

FILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

Nov 08, 2023

SEAN F. McAVOY, CLERK

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

MITCHELL J. RANES,

Plaintiff,

v.

YAKIMA COUNTY JAIL and
YAKIMA COUNTY JAIL
MEDICAL DEPT,

Defendant.

NO: 1:23-CV-3130-RMP

ORDER DISMISSING ACTION FOR
FAILURE TO PROSECUTE

Plaintiff Mitchell J. Ranes filed a civil rights complaint pursuant to 42 U.S.C. § 1983 on September 5, 2023, while he was incarcerated at the Yakima County Jail. ECF No. 1. He sought leave to proceed *in forma pauperis*. ECF No. 2.

Plaintiff subsequently notified the Court twice of his changes of address, initially to White Swan, Washington, and then to a treatment facility in Spokane Valley, Washington. ECF Nos. 6 and 7. On October 6, 2023, the Court instructed Plaintiff to file a new *in forma pauperis* application because the mechanism to collect the filing fee in incremental payments under the Prison Litigation Reform

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1 Act, 28 U.S.C. § 1915(b), was no longer available as Plaintiff was no longer
2 incarcerated. *See* ECF No. 8. Plaintiff did not comply with that Order.

3 The Court explicitly warned Plaintiff that if he did not file a new application
4 to proceed *in forma pauperis* as required by 28 U.S.C. § 1915(a)(1), or pay the full
5 \$402.00 fee (\$350.00 filing fee + \$52.00 administrative fee), his case would be
6 dismissed for failure to prosecute. ECF No. 8 at 2. Plaintiff did not comply with
7 the Court's directives, and he has filed nothing further in this case.

8 Accordingly, **IT IS HEREBY ORDERED** that this action is dismissed
9 without prejudice for failure to prosecute, pursuant to Federal Rule of Civil
10 Procedure 41(b). The Court certifies pursuant to 28 U.S.C. § 1915(a)(3) that any
11 appeal of this Order would not be taken in good faith and would lack any arguable
12 basis in law or fact.

13 **IT IS SO ORDERED.** The District Court Clerk is directed to enter this
14 Order, enter judgment, provide copies to Plaintiff at his last known address, and
15 **CLOSE** the file. The District Court Clerk shall also terminate any pending
16 deadlines in this action.

17 **DATED** November 8, 2023.

18
19 s/ Rosanna Malouf Peterson
20 ROSANNA MALOUF PETERSON
21 Senior United States District Judge